

April 29, 2005

The Honorable Karen A. Harbert
Assistant Secretary for Policy
and International Affairs
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Re: Request for Extension of Comment Periods on Interim Final General Guidelines for Voluntary Reporting of Greenhouse Gases and Draft Technical Guidelines, 70 Fed. Reg. 15164 and 15169 (March 24, 2005)

Dear Assistant Secretary Harbert:

The Electric Power Industry Climate Initiative (EPICI) respectfully requests extension of the 60-day public comment period, which is currently scheduled to close May 23, 2005, for the March 24 "Interim Final Rule" (70 *Fed. Reg.* 15164) addressing both the General Guidelines and the Technical Guidelines for the "Voluntary Reporting of Greenhouse Gases" (GHGs) issued in 1994 by the Department of Energy (DOE) under section 1605(b) of the Energy Policy Act of 1992, 42 U.S.C. § 13385(b).

EPICI is the coalition of seven electric power groups formed to coordinate the power sector's response to President Bush's Global Climate Change Initiative through the President's Climate VISION Program. EPICI members are: American Public Power Association, Edison Electric Institute, Electric Power Supply Association, Large Public Power Council, National Rural Electric Cooperative Association, Nuclear Energy Institute and Tennessee Valley Authority. On December 13, 2004, these seven groups signed the Climate VISION Memorandum of Understanding with DOE, which established an industry-government partnership for reducing, voluntarily and collectively, the power sector's carbon intensity by an equivalent of 3 to 5 percent by 2012 as a "meaningful contribution" to support the President's efforts to reduce the GHG emissions intensity of the U.S. by 18 percent by the end of 2012.

In addition, EPICI members collectively and individually have since 1994 been the major voluntary reporters of GHG reductions under the current section 1605(b) guidelines. In 2003, the power sector reduced, avoided or sequestered nearly 261 million metric tons of carbon dioxide equivalent (MMTCO₂E) GHGs out of total reported reductions of 417 MMTCO₂E, or 63 percent of all reported reductions under section 1605(b).

The primary reason for this request is the sheer volume and complexity of the General and Technical Guidelines that have been proposed. There are 92 pages to the General Guidelines

and 285 pages to the Technical Guidelines, not to mention the 171 pages of Appendices to the Technical Guidelines.

The “Section by Section Discussion of the General Guidelines” (70 *Fed. Reg.* 15177-81) indicates a number of changes made to the original 2003 proposal for revising the General Guidelines. For example:

- The current proposal revises 10 of the 17 original definitions and adds 12 new ones in § 300.2;
- A “number of changes have been made” to § 300.4 on organizational boundaries 70 *Fed. Reg.* 15178;
- “Modifications” have been made to § 300.6 on emission inventories *Id.* at 15179;
- § 300.8 on calculating emissions reductions has been “significantly expanded” *Id.* at 15180.
- § 300.11 on independent verification has been “substantially revised and expanded.” *Id.*

The Technical Guidelines, incorporated in the General Guidelines by reference in § 300.13 and seen by the public for the first time on March 24, are a critically important and integral part of the revision of the section 1605(b) guidelines. These technical guidelines cover a broad range of topics including submission of an entity statement, emissions inventories, calculating emission reductions, and reporting and recordkeeping requirements. One cannot understand the true implications of the provisions in the General Guidelines without a thorough understanding of these Technical Guidelines. The myriad questions for clarification and explanation of numerous provisions of the guidelines at the DOE Workshop on April 26 and 27 and the difficulties faced by the DOE officials in answering some of the questions provides further clear evidence of the tough challenge faced by those seeking to understand and comment on the proposal.


Finally, DOE uses the preamble expressly to solicit public comments or otherwise to raise a number of questions for which “DOE specifically requests comments” by May 23. However, interspersed within the 60-day public comment period are two scheduled public workshops: The DOE workshop that was held on April 26 and 27, and the U.S. Department of Agriculture workshop to be held on May 5. While these workshops are welcome, they do require that participants use part of the comment period to prepare for such participation, thus reducing the time available to prepare responsive written comments. Once the workshops are completed, the public will have 18 calendar days and only 12 working days to prepare comments.

Under these circumstances, requests for extension of the public comment period are eminently reasonable. Therefore, **EPICI respectfully requests an extension to the comment period a minimum of 30 days but preferably 60 days, which we believe is necessary to provide substantive comments on both the General Guidelines and the Technical Guidelines included in the interim final rule.** While we certainly recognize the

desirability for revision of the current section 1605(b) guidelines as directed by the President in February 2002 and initiated by DOE in May 2002, a realistic opportunity for thorough public review is a critical element for the ultimate success of the revised program.

We appreciate your consideration of our request, and **urge DOE to extend the comment period deadline by a minimum of 30 days but preferably 60 days prior to the May 5 workshop.** EPICI looks forward to continuing to work with DOE and EIA in the development of the revised guidelines.

Sincerely,


per

Lee Ann Kozak
Co-chair, Accounting and Reporting Committee
Electric Power Industry Climate Initiative

cc:

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